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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,818	09/17/2003	Toshiaki Hata	Q77067	4040
23373	7590	09/20/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			AU, SCOTT D	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,818

Applicant(s)

HATA, TOSHIAKI

Examiner

Scott Au

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 091705.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

The application of Hata for a "Burglarproof device for vehicle" filed September 17, 2003 has been examined.

Claims 1-8 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "vehicle operational device restraining unit" contradict the limitation "vehicle operational device activation determining unit". There is **insufficient antecedent basis** for this limitation in the claim. Examiner suggests changing the limitation "vehicle operational device restraining unit" to "vehicle operational device activation determining unit".

Claim Objections

Claims 1-8 are **objected to because of the following informalities**:

According to claim 1, there is space missing between words "code prestored to permit the activation of the operational device". According to claim 2, there is space

missing between words "transmitting a preset third ID code, in which vehicle operational". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al. (US# 5,977,654).

Referring to claim 1, Johnson et al. disclose a burglarproof device for vehicle (i.e. see Figure 2) comprising:
a portable transmitter (60) (i.e. transmitter) having first switch (64) (i.e. switch) for transmitting a preset first ID code (i.e. transmitted code);
a vehicle operational device activation determining unit (28) (i.e. control portion) for determining the activation of an operational device (i.e. door lock unit, trunk and engine) for vehicle by receiving the first ID code (i.e. transmitted code) from the portable transmitter (60) (i.e. transmitter), and collating the first ID code (i.e. transmitted code) with a second ID code pre-stored (i.e. id stored in the vehicle unit 28) to permit the activation of the operational device for vehicle on the basis of a collation result; and

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an engine operation restraining unit (28) (i.e. control portion) for permitting an engine operation on the basis of the collation result by the vehicle operational device activation determining unit, or disabling the engine operation on the basis of an operating state of the engine (col. 5 lines 25-62).

Referring to claim 5, Johnson et al. disclose the burglarproof device for vehicle according to claim 1, wherein the engine operation restraining unit stops the operation of the engine by shutting of the ignition of the engine or the supply of a fuel to the engine (col. 1 lines 15-21).

Referring to claim 6, Johnson et al. disclose the burglarproof device for vehicle according to claim 1, wherein the engine operation restraining unit disables the operation of the engine if the engine transits from an operating state to a stopped state (col. 2 lines 23-30).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US# 5,977,654) as applied to claim 1 above, and further in view of Flick (US# 6,827,642).

Referring to claim 2, Johnson et al. disclose the burglarproof device for vehicle according to claim 1. Johnson et al. disclose arming or disarming the engine according to the signal transmitted from the transmitter (60) (col. 5 lines 54-63). However, Johnson et al. did not explicitly disclose wherein the portable transmitter has a second switch for transmitting a preset third ID code, in which vehicle operational device activation determining unit receives the third ID code from the portable transmitter, and collates the third ID code with a fourth ID code prestored.

In the same field of endeavor of vehicle security system, Flick discloses wherein the portable transmitter (30) (i.e. portable transmitter) has (i.e. a first switch for the vehicle locking unit, col. 5 lines 14-24) and a second switch (i.e. switch for engine starter unit, col. 50-58) for transmitting a preset third ID code, in which vehicle operational device activation determining unit receives the third ID code from the portable transmitter (30) (i.e. portable transmitter), and collates the third ID code with a fourth ID code prestored (i.e. id stored in the vehicle unit for engine operation), and the engine operation restraining unit disables the engine operation on the basis of the collation result (col. 5 lines 37-59).

One ordinary skill in the art understands that having the portable transmitter with plurality of button switches (i.e. see Figure 2) operating to transmit the first to operate

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the locking unit and transmit the second signal to operate the engine unit of Flick is desirable in the vehicle security system of Johnson et al. because Johnson et al. and Flick both suggest operating the security of operating the lock and engine units (i.e. see Johnson et al., col. 5 lines 25-63 and see Flick, col. 5 line 15 to col. 6 lines 62).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include having the portable transmitter with plurality of button switches operating to transmit the first to operate the locking unit and transmit the second signal to operate the engine unit of Flick in the security system of Johnson et al. with the motivation for doing so would prevent unauthorized access of the vehicle.

Referring to claim 3, Johnson et al. in view of Flick disclose the burglarproof device for vehicle according to claim 2, it is obvious Johnson et al. and Flick disclose wherein the operational device for vehicle is restrained by electromagnetic lock unit.

Referring to claim 8, Johnson et al. in view of Flick disclose the burglarproof device for vehicle according to claim 1, Flick discloses wherein the first switch and the second switch instruct vehicle operational device activation determining unit to make plurality of functions (col. 1 lines 12-32).

Claims 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US# 5,977,654) as applied to claim 1 above, and further in view of Walter (US# 6,275,141).

Referring to claim 4, Johnson et al. disclose the burglarproof device for vehicle according to claim 1. However, Johnson et al. did not explicitly disclose further comprising: an alarming unit for raising the alarm by sensing a vibration of the vehicle when the engine operation is disabled by the engine operation restraining unit.

In the same field of endeavor of vehicle security system, Walter discloses an alarming unit for raising the alarm by sensing a vibration of the vehicle when the engine operation is disabled by the engine operation restraining unit (col. 21 lines 23-30).

One ordinary skill in the art understands that alarm sound when ignition is turned off of Walter is desirable in the vehicle security system of Johnson et al. because both Johnson et al. and Walter suggest the restriction of operating the vehicle subsystems according the level of authoring access (i.e. see Johnson et al. col. 1 lines 24-61 and col. 1 lines 20-49). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include having alarm sound when ignition is turned off of Walter in the vehicle security system of Johnson et al. with the motivation for doing so would notifying the surrounding that the vehicle is disabled.

Claims 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US# 5,977,654) as applied to claim 1 above, and further in view of Hwang (US# 5,760,680).

Referring to claim 7, Johnson et al. disclose the burglarproof device for vehicle according to claim 1. However, Johnson et al. did not explicitly disclose wherein the engine operation restraining unit disables the operation of the engine if the engine is not operated even after operation of the engine if the engine is not operated even after the passage of a fixed time from a permission of the engine operation.

In the same field of endeavor of vehicle security system, Hwang discloses wherein the engine operation restraining unit disables the operation of the engine if the engine is not operated even after operation of the engine if the engine is not operated even after the passage of a fixed time from a permission of the engine operation (col. 1 lines 25-32).

One ordinary skill in the art understands that disables the operation of the engine if the engine is not operated even after operation of the engine if the engine is not operated even after the passage of a fixed time from a permission of the engine operation of Hwang is desirable in the vehicle security system of Johnson et al. because both Johnson et al. (col. 1 lines 15-41) and Hwang (col. 1 lines 7-23) suggest the security of the vehicle to prevent unauthorized access. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include disables the operation of the engine if the engine is not operated even after operation of the engine if the engine is not operated even after the passage of a fixed time from a permission of the engine operation of Hwang in the security system of Johnson et al. with the motivation for doing so would prevent the vehicle from stolen.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Murphy (US# 6,225,890) discloses a system for restricting use of a vehicle.

Nagoya et al. (US# 6,580,181) disclose the vehicle security system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Au whose telephone number is (571) 272-3063. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached at (571) 272-3068. The fax phone numbers for the organization where this application or proceeding is assigned are (571)-272-1817.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Scott Au

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

